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H.B. No. 742

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to measures to evaluate and improve student participation  
3 and performance in public schools and open-enrollment charter  
4 schools, including a grant program for certain school districts to  
5 provide summer instruction primarily for students who are  
6 educationally disadvantaged.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Subchapter C, Chapter 7, Education Code, is  
9 amended by adding Section 7.064 to read as follows:

10 Sec. 7.064. ANNUAL REPORT CONCERNING STUDENT HOURS. (a)  
11 For each school year, the commissioner shall prepare a report that  
12 compiles the information submitted to the commissioner by school  
13 districts and open-enrollment charter schools under Sections  
14 11.179 and 12.104(b-1), respectively.

15 (b) Not later than August 1 of each year, the commissioner  
16 shall submit the report prepared under Subsection (a) to the:

17 (1) governor;

18 (2) lieutenant governor;

19 (3) speaker of the house of representatives; and

20 (4) presiding officers of the standing committees of  
21 the senate and house of representatives having primary jurisdiction  
22 over primary and secondary education.

23 SECTION 2. Subchapter D, Chapter 11, Education Code, is  
24 amended by adding Section 11.179 to read as follows:

1       Sec. 11.179. STUDENT HOURS REPORTING REQUIREMENT. (a) Not  
2 later than July 1 of each year, the board of trustees of an  
3 independent school district shall prepare and submit to the  
4 commissioner a report for the school year that ended during the  
5 preceding calendar year that, for each class and for each grade  
6 level at each district campus, indicates the average and total  
7 number of hours students spent on campus:

8               (1) receiving classroom instruction;

9               (2) receiving special instruction, disaggregated by  
10 the type of instruction; and

11               (3) participating in school-sponsored or  
12 school-related activities, disaggregated by the type of activity in  
13 which the students engaged.

14       (b) The commissioner may adopt rules as necessary for  
15 purposes of this section.

16       SECTION 3. Section 12.104, Education Code, is amended by  
17 adding Subsection (b-1) to read as follows:

18       (b-1) The governing body of an open-enrollment charter  
19 school shall comply with the student hours reporting requirement as  
20 provided by Section 11.179 as though:

21               (1) the open-enrollment charter school were an  
22 independent school district; and

23               (2) an open-enrollment charter school campus were a  
24 school district campus.

25       SECTION 4. Subchapter C, Chapter 29, Education Code, is  
26 amended by adding Section 29.091 to read as follows:

27       Sec. 29.091. GRANT PROGRAM FOR DISTRICTS THAT HAVE HIGH

1 ENROLLMENT OF EDUCATIONALLY DISADVANTAGED STUDENTS AND THAT  
2 PROVIDE SUMMER INSTRUCTION. (a) In this section:

3 (1) "New teacher" means a teacher who:

4 (A) will be teaching for the first time during  
5 the next school year; or

6 (B) first began teaching:

7 (i) during the preceding two years; or

8 (ii) in the school district in which the  
9 teacher is currently employed during the preceding year.

10 (2) "Program" means the grant program for school  
11 districts to provide summer instruction primarily for students who  
12 are educationally disadvantaged, as established under this  
13 section.

14 (b) The commissioner shall establish and administer a  
15 competitive program to provide grants to not more than 10 school  
16 districts to use in providing instructional programs to students in  
17 prekindergarten through eighth grade during the period in which  
18 school is recessed for the summer. The program shall be designed to:

19 (1) encourage participation in the program by a  
20 district's most educationally disadvantaged students;

21 (2) close the academic achievement gap between  
22 students who are educationally disadvantaged and students who are  
23 not educationally disadvantaged;

24 (3) ensure that during the period in which school is  
25 recessed for the summer, students participating in the program  
26 retain knowledge and skills learned during the school year and  
27 continue learning;

1           (4) provide apprenticeship, mentorship, and other  
2 professional development opportunities for new teachers and  
3 student teachers; and

4           (5) add to the compensation of a district's highest  
5 performing teachers by providing those teachers with summer  
6 employment teaching students, new teachers, and student teachers.

7           (c) To be eligible to participate in the program, a school  
8 district must:

9           (1) have an enrollment of students who are  
10 educationally disadvantaged that is greater than 50 percent of  
11 total district enrollment;

12           (2) apply to the commissioner in the manner and within  
13 the time prescribed by commissioner rule; and

14           (3) provide as part of the application materials a  
15 plan that is designed to achieve the purposes described by  
16 Subsections (b)(1) through (5).

17           (d) In selecting from among eligible school districts to  
18 participate in the program, the commissioner shall select those  
19 districts that provide plans under Subsection (c)(3) that are the  
20 most innovative and represent a variety of approaches so that the  
21 effectiveness of various plans can be compared and evaluated.

22           (e) A grant awarded under this section may be funded only  
23 with money appropriated for the program and any gifts, grants, or  
24 donations made to the agency that may be used for and that the  
25 commissioner applies to funding the program. The commissioner, in  
26 accordance with commissioner rule and based on the amount available  
27 for the program, shall determine the amount of each grant awarded

1 under this section. A school district awarded a grant under this  
2 section may use the grant only for implementing and administering a  
3 plan as described by Subsection (c)(3), including providing  
4 compensation to teachers in accordance with Subsection (b)(5) and  
5 commissioner rule.

6 (f) Each school district participating in the program  
7 shall, in the manner and within the time prescribed by commissioner  
8 rule, provide to the agency an annual written report that includes:

9 (1) a detailed description of the district's plan, as  
10 implemented;

11 (2) the number and grade levels of participating  
12 students;

13 (3) demographic information for participating  
14 students, including the percentage of students of each applicable  
15 race and ethnicity, the percentage of educationally disadvantaged  
16 students, the percentage of students of limited English proficiency  
17 as defined by Section 29.052, the percentage of students enrolled  
18 in a school district special education program under Subchapter A,  
19 and the percentage of students enrolled in a district bilingual  
20 education program under Subchapter B;

21 (4) school attendance rates for participating  
22 students, before, during, and after program participation, as  
23 applicable;

24 (5) specific information that demonstrates whether  
25 the purposes described by Subsections (b)(2) and (3) have been  
26 achieved, including the results of assessment instruments  
27 administered under Section 39.023 for participating students,

1 before, during, and after program participation, as applicable;

2 (6) aggregate results of assessment instruments  
3 administered under Section 39.023 for students of participating  
4 classroom teachers, new teachers, and student teachers, before,  
5 during, and after program participation by the students, as  
6 applicable;

7 (7) information regarding the manner in which teachers  
8 are selected for participation in the program and the manner in  
9 which teachers are compensated for their participation;

10 (8) statistical information for participating  
11 classroom teachers, new teachers, and student teachers, including  
12 the number of years employed in the teaching profession, the number  
13 of years teaching in the district in which the program is provided,  
14 the category and class of educator certification held, the highest  
15 level of academic degree earned, race, ethnicity, and gender;

16 (9) information regarding whether:

17 (A) the program is provided on a full-day or  
18 half-day basis;

19 (B) the program is voluntary or mandatory for  
20 educationally disadvantaged students;

21 (C) the district has partnered with an outside  
22 provider to provide any supplemental service;

23 (D) the district provides transportation to  
24 participating students; and

25 (E) the district offers the program to students  
26 who are not educationally disadvantaged and, if so, under what  
27 circumstances;

1           (10) information on retention in the teaching  
2 profession of the participating teachers, including new teachers  
3 and student teachers; and

4           (11) any other information required by commissioner  
5 rule.

6           (g) The agency shall contract with an experienced and  
7 recognized third-party program evaluator to determine and prepare a  
8 report regarding the effectiveness of the program. The evaluator's  
9 report must include the evaluator's best effort to project the cost  
10 and academic effects of implementing the best practices of the  
11 program in school districts throughout this state and must describe  
12 the effectiveness of the program in:

13           (1) improving academic performance among  
14 participating students;

15           (2) improving the professional development and  
16 performance of new teachers; and

17           (3) rewarding and retaining the highest performing  
18 teachers.

19           (h) Using information reported under Section 11.179 and the  
20 report under Subsection (g), the agency shall conduct a study that  
21 compares the academic performance of students in each school  
22 district that participates in the program with the academic  
23 performance of students in at least 10 districts that do not  
24 participate in the program to determine the type and amount of  
25 instruction and student participation in school-sponsored or  
26 school-related activities that most contribute to improved  
27 academic performance.

1       (i) Not later than November 1 of each even-numbered year,  
2 the agency shall submit to each member of the legislature a report  
3 specifically describing the results of the program. The report may  
4 be in the form of a summary of the information required under  
5 Subsections (f), (g), and (h).

6       (j) The commissioner shall adopt rules as necessary to  
7 administer this section.

8       SECTION 5. (a) Not later than August 1, 2014, the  
9 commissioner of education shall submit a report concerning the  
10 2012-2013 school year, as required by Section 7.064, Education  
11 Code, as added by this Act.

12       (b) Not later than July 1, 2014, the board of trustees of a  
13 school district shall submit to the commissioner of education a  
14 report concerning the 2012-2013 school year, as required by Section  
15 11.179, Education Code, as added by this Act.

16       (c) Not later than July 1, 2014, the governing body of an  
17 open-enrollment charter school shall submit to the commissioner of  
18 education a report concerning the 2012-2013 school year, as  
19 required under Section 12.104(b-1), Education Code, as added by  
20 this Act.

21       SECTION 6. The commissioner of education shall establish  
22 the grant program under Section 29.091, Education Code, as added by  
23 this Act, beginning with the 2013-2014 school year.

24       SECTION 7. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2013.